UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,453	01/20/2004	Gabor Bajko	39700-797001US/NC40118US	7833

64046   7590   08/18/2010
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ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
08/18/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _6/23/10_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,7-9,18-23,25,26,28-33,36-38,40-45 and 47_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _1,7,8,32 and 33_ is/are allowed.

6)☒ Claim(s) _9,18-23,25,26,28-31,36-38,40-45 and 47_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 6/23/10 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims have been considered but are moot in view

of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

1.   Claims **40- 45 and 47** are rejected under 35 U.S.C. 102(e) as being anticipated by

Rosenberg US Patent No.: 7,509,425

        Consider **claim 40,** Rosenburg teaches a method , comprising: first sending means for

sending, at a first party, a message to a second user equipment, wherein the message comprises a

invitation for a session(**e.g., as noted in figure 16 caller 1002 sends an invite 2512…col. 16**

line 37); receiving means for receiving, at a first party, a response to the message from the

second party(**e.g., UAC 1002 receives a response 2520, 2522, 2524…col. 18 line 44**), the

response including at least one parameter in breach of a policy(**e.g., accept or reject based on**

unacceptable MFO's or further negotiations… col. 18 lines 38-56); controller means for

modifying, at the first party, at least one parameter into consistency with the policy(e.**g.,**

counteroffers or acceptance in part… col. 18 lines 38-56); and second sending means for

sending a further message to a network controller(**e.g., counteroffers or acceptance in part…**

col. 18 lines 38-56 transmitted to proxy 1012), the further message including at least one

modified parameter(**e.g., proposed MFO's col. 18 lines 50-51**); the further message configured

as a provisional response acknowledgement in accordance with a session initiation protocol(**i.e.,**

PRACKs/ACKs as noted in at least col. 11 lines 54-67, col. 13 lines 15-30 and col. 18 lines

44-51); the apparatus comprises a proxy call state control function (**i.e., processing the call**

between the devices as noted in at least col. 5 lines 10-25);wherein the controller means is

further configured to further modify the at least one parameter in response to a response to the

further message(**e.g., the MFO and MIO may be modified by the proxies as noted in col. 18**

lines 30-32).

Consider **Claim 41 and as applied to claim 40**, Rosenburg teaches wherein the

modifying is responsive to a response to the further message (**e.g., counteroffers or acceptance**

in part… col. 18 lines 38-56 transmitted to proxy 1012).

Consider **Claim 42 and as applied to claim 40**, Rosenburg teaches wherein the

modifying comprises modifying the at least one parameter to be consistent with a local policy(

e.g., counteroffers or acceptance in part in order to establish media stream… col. 18 lines

38-56 and 57-58transmitted to proxy 1012).

Consider **claims 43 and 45**, Rosenburg teaches a method and apparatus configured to provide at least the following: forward a session initiation protocol request from a first user equipment to a second user equipment wherein the message comprises a invitation for a session **(e.g., proxy 1012 forwards SIP invite illustrated in figure 16**); forward a session initiation protocol response containing a session description protocol offer from said second party to said first party**(e.g., the SIP offer 2424 shown in figure 16**); receive a succeeding request and checking whether the request contains a session description protocol answer for the offer that breaches a local policy**(e.g., proxies receiving an error can attempt to retry or pass the error as noted in at least col. 18 lines 9-16. UAC 1002 may counter offer col. 18 line 50**); the succeeding request configured as a provisional response acknowledgement in accordance with a session initiation protocol**(i.e., PRACKs/ACKs as noted in at least col. 11 lines 54-67, col. 13 lines 15-30 and col. 18 lines 44-51**);and if the session description protocol answer breaches the local policy, return a response that the answer is not acceptable**(e.g., proxies receiving an error can attempt to retry or pass the error as noted in at least col. 18 lines 9-16….counter offer in line 50**), the response containing a local policy allowed session description protocol payload**(e.g., when the error response arrives with a full list of the set of requested policies as noted in at least col. 18 lines 9-16**), wherein the Apparatus comprises a Proxy call state control function **i.e., caller and callee proxy call function …e.g., 1012 and 1014 in figure 1...col. 5 lines 61 and 64 (e.g., proxy on both sides of the network as noted in at least col. 16 lines 1-8)**

Consider **Claim 44 and as applied to claim 43**, Rosenburg teaches wherein the first

party(**e.g., UAC 1002 typically a phone ...col. 15 line 63**) is a user equipment and the session

description protocol answer is reduced at the user equipment(**e.g., accepted in part or counter**

offer col. 18 lines 44-46).

Consider **Claim 47 and as applied to claim 45**, Rosenburg teaches wherein the

apparatus comprises a serving call session control function(**i.e., caller and callee proxy call**

function ...e.g., 1012 and 1014 in figure 1...col. 5 lines 61 and 64.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness
        or nonobviousness.

4.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5.   Claims **9** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Requena et al**

WO 02/096145 A1 in view of **RFC 3262, Reliability of provisional responses in the Session**

initiation protocol (SIP), hereinafter, 'RFC 3262' and further in view of Rosenberg US

Patent No.: 7,509,425.

        Consider **claim 9,** Requena teaches an Apparatus(**e.g., multiple controllers which all**

handle request and responses...see P-CSCF1, S-CSCF1, S-CSCF2 and P-CSCF2 in figure

2), configured to provide at least the following: operate in a communication system(**a 3G**

telecommunication system as noted on page 1 line 26) ; handle responses and requests

between parties of communication sessions(**e.g., page 4 lines 14- page 5 line 15 discusses the**

signaling of messages between UE1 and UE2 which is also illustrated in figure 2); forward

an invite message from a first party to a second party, he invite comprises an invitation for a

session(**e.g., message forwarding via the SIP invite message is also illustrated in figure 2**);

check whether a response to the message from the second party to the first party includes at least

one parameter in breach of a policy for the communication between the parties(**i.e., a non**

suitable codec is detected. The network entities remove all non suitable codecs as noted in

page 4 lines 9-12. Page 18 lines 26 -30 explains that the response may need to be modified

further if network conditions change); and modify the at least one parameter to be consistent

with the policy(**i.e., a non suitable codec is detected. The network entities remove all non**

suitable codecs as noted in page 4 lines 9-12. Page 18 lines 26 -30 explains that the response or UE2 reply message may need to be modified further if network conditions change), a call session control function(**e.g., see P-CSCF-1 in figure 2**).

However, Requena does not specifically teach where the detected response configured as a provisional response acknowledgement in accordance with a session initiation protocol.

In analogous art, RFC 3262 teaches where the response is configured as a provisional response acknowledgement in accordance with a session initiation protocol (**e.g., see pages 8- 9 which describe the reliability of provisional responses in SIP and the offer/answer model and PRACK**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Requena to include where the detected response configured as a provisional response acknowledgement in accordance with a session initiation protocol as taught by RFC 3262. Requena uses SIP for controlling multimedia communications between devices. RFC 3262 teaches in order to improve reliability of SIP provisional responses a mechanism can be provided which includes an ACK(e.g., a PRACK) (e.g., see introduction on page 1). By combining Requena with the teachings of RFC 3262 one of ordinary skill in the art would further yield predictable results by using the extensions provided in the additional opportunities in the offer/ answer exchanges.

However, Requena as modified by RFC 3262 does not specifically teach sending, by the apparatus to the first party, an okay message comprising the modified at least one parameter; and receiving a provisional response acknowledgement comprising a session description protocol answer including the modified at least one parameter, when the

modified at least one parameter is accepted by the first party, wherein the apparatus

comprises a proxy call state control function.

In analogous art, Rosenberg teach sending, by the apparatus to the first party, an okay

message comprising the modified at least one parameter; and receiving a provisional response

acknowledgement comprising a session description protocol answer including the modified at

least one parameter, when the modified at least one parameter is accepted by the first party,

wherein the apparatus comprises a proxy call state control function (**e.g., see modifications in at**

least figure 11, message 200 is an okay message based on the SIP protocol).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to modify Requena to include sending, by the apparatus to the first party,

an okay message comprising the modified at least one parameter; and receiving a provisional

response acknowledgement comprising a session description protocol answer including the

modified at least one parameter, when the modified at least one parameter is accepted by the first

party, wherein the apparatus comprises a proxy call state control function for the purpose of

session control as taught by Rosenberg

6.   Claims **25-26, 28- 29 and 36-38** are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Requena et al WO 02/096145 A1** in view of **RFC 3262, Reliability of**

provisional responses in the Session initiation protocol (SIP), hereinafter, 'RFC 3262'.

Consider **claim 25,** Requena **teaches** a method comprising: passing, by a network

controller, a message from a first party to a second party in a communication system, the

message comprising a SIP invitation(**e.g., page 4 lines 14- page 5 line 15 discusses the**

signaling of messages between UE1 and UE2 which is also illustrated in figure 2); receiving, at the network controller, a response from the second party to the first party(**e.g., see at least the 183 message noted in figure 2 where the UE2 responds with a reply message ...see also page 5 line 15**), the response including at least one parameter in breach of a policy for communication between the parties(**i.e., a non suitable codec is detected. The network entities remove all non suitable codecs as noted in page 4 lines 9-12. Page 18 lines 26 -30 explains that the response may need to be modified further if network conditions change**); determining in a network controller that one or more of said at least one parameter is in breach of the policy(**i.e., a non suitable codec is detected. The network entities remove all non suitable codecs as noted in page 4 lines 9-12. Page 18 lines 26 -30 explains that the response may need to be modified further if network conditions change**); and sending a further message including a definition of the policy to the first party (**The network entities remove all non suitable codecs as noted in page 4 lines 9-12 and sends the modified response to UE 1 based on a changed condition in the network during the response. Page 18 lines 26 -30 explains that the response may need to be modified further if network conditions change**), a proxy call session control function (**e.g., see P-CSCF-1 in figure 2**).

However, Requena does not specifically teach where the detected response configured as a provisional response acknowledgement in accordance with a session initiation protocol.

In analogous art, RFC 3262 teaches where the response is configured as a provisional response acknowledgement in accordance with a session initiation protocol (**e.g., see pages 8- 9 which describe the reliability of provisional responses in SIP and the offer/answer model and PRACK**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Requena to include where the detected response configured as a provisional response acknowledgement in accordance with a session initiation protocol as taught by RFC 3262. Requena uses SIP for controlling multimedia communications between devices. RFC 3262 teaches in order to improve reliability of SIP provisional responses a mechanism can be provided which includes an ACK (e.g., a PRACK) (e.g., see introduction on page 1). By combining Requena with the teachings of RFC 3262 one of ordinary skill in the art would further yield predictable results by using the extensions provided in the additional opportunities in the offer/ answer exchanges.

Consider **claim 28,** Requena **teaches** an apparatus (**e.g., multiple controllers which all handle request and responses...see P-CSCF1, S-CSCF1, S-CSCF2 and P-CSCF2 in figure 2**), configured to: forward a message from a first party to a second party in the communication system(**e.g., page 4 lines 14- page 5 line 15 discusses the signaling of messages between UE1 and UE2 which is also illustrated in figure 2**);receive a response from the second party to the first party(**e.g., see at least the 183 message noted in figure 2 where the UE2 responds with a reply message ...see also page 5 line 15**), the message including at least one parameter in breach of a policy for communication between the parties(**i.e., a non suitable codec is detected. The network entities remove all non suitable codecs as noted in page 4 lines 9-12. Page 18 lines 26 -30 explains that the response may need to be modified further if network conditions change**); determine that one or more of said at least one parameter is in breach of the policy (**i.e., a non suitable codec is detected. The network entities remove all non suitable codecs as noted in page 4 lines 9-12. Page 18 lines 26 -30 explains that the response may need to be**

modified further if network conditions change); and send a further message including a

definition of the policy to the first party (**The network entities remove all non suitable codecs**

as noted in page 4 lines 9-12 and sends the modified response to UE 1 based on a changed

condition in the network during the response. Page 18 lines 26 -30 explains that the

response may need to be modified further if network conditions change).

However, Requena does not specifically teach where the detected response configured as

a provisional response acknowledgement in accordance with a session initiation protocol.

In analogous art, RFC 3262 teaches where the response is configured as a provisional

response acknowledgement in accordance with a session initiation protocol (**e.g., see pages 8- 9**

which describe the reliability of provisional responses in SIP and the offer/answer model

and PRACK).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to modify Requena to include where the detected response configured as

a provisional response acknowledgement in accordance with a session initiation protocol as

taught by RFC 3262. Requena uses SIP for controlling multimedia communications between

devices. RFC 3262 teaches in order to improve reliability of SIP provisional responses a

mechanism can be provided which includes an ACK (e.g., a PRACK) (e.g., see introduction on

page 1). By combining Requena with the teachings of RFC 3262 one of ordinary skill in the art

would further yield predictable results by using the extensions provided in the additional

opportunities in the offer/ answer exchanges.

Consider **claim 36** Requena teaches An apparatus(**e.g., UE1 of figure 6**), comprising: a

transmitter configured to send a message at a first party to a second party(**e.g., RF part**

transmits as noted on page 22 line 27 and further illustrated in figure 2); a receiver

configured to receive at the first party from the second party a response to the message(**e.g., RF**

part illustrated in figure 6 receives responses illustrated in figure 2, e.g., 183), the response

including at least one parameter in breach of a policy(**i.e., a non suitable codec is detected.**

The network entities remove all non suitable codecs as noted in page 4 lines 9-12. Page 18

lines 26 -30 explains that the response may need to be modified further if network

conditions change); and a processor configured to modify(**e.g., CPU of figure 6 as noted in at**

least page 23 lines 26-27), at the first party, at least one parameter into consistency with the

policy(i.**e., the UE1 generates a third message containing additional information…e.g., see**

page 19 lines 13-23 that may or may noted be supported as conditions in the network

changes as noted on page 18 lines 26-27. The parameter may or may not be consistent

based on the dynamic changes occurring in the network), wherein the transmitter is further

configured to send a further message to a network controller, the further message including the

modification (**e.g., the RF part transmits the modified message that was generated ...page 19**

lines 13-22 and see also figure 2).

However, Requena does not specifically teach where the further message configured as a

provisional response acknowledgement in accordance with a session initiation protocol.

In analogous art, RFC 3262 teaches where the response is configured as a provisional

response acknowledgement in accordance with a session initiation protocol (**e.g., see pages 8- 9**

which describe the reliability of provisional responses in SIP and the offer/answer model

and PRACK).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to modify Requena to include where the further message configured as a

provisional response acknowledgement in accordance with a session initiation protocol as taught

by RFC 3262. Requena uses SIP for controlling multimedia communications between devices.

RFC 3262 teaches in order to improve reliability of SIP provisional responses a mechanism can

be provided which includes an ACK (e.g., a PRACK) (e.g., see introduction on page 1). By

combining Requena with the teachings of RFC 3262 one of ordinary skill in the art would

further yield predictable results by using the extensions provided in the additional opportunities

in the offer/ answer exchanges.

Consider **claim 7 and as applied to claim 1**, Requena as modified by RFC 3262 teaches

wherein the detecting comprises detecting that the response includes the at least one parameter

comprising a parameter of a session description protocol(**reply msg 183 ...page 17 lines 30-32**).

Consider **claim 8 and as applied to claim 1**, Requena as modified by RFC 3262 teaches

wherein the sending comprises sending the response in accordance with a session initiation

protocol(**SIP reply msg 183 ...page 17 lines 30-32**).

Consider **claim 26 and as applied to claim 25**, Requena as modified by RFC 3262

teaches wherein the sending of the further message comprises sending information of at least one

parameter in consistency with the policy(**e.g., based on the SIP Invite and UE2 capability

...page 17 lines 32-33**).

Consider **claim 29 and as applied to claim 28**, Requena as modified by RFC 3262

teaches wherein the apparatus is configured to include in the further message information of at

least one parameter in consistency with the policy(**e.g., determine subset of support codecs and return in msg 183 as illustrated in figure 2).**

Consider **claim 37 and as applied to claim 36**, Requena as modified by RFC 3262 teaches wherein the processor is further configured to further modify at least one parameter in response to a response to the further message(**e.g., based on the response to the request the first party makes sure the parameter is consistent with policy-page 19 lines 13-22**).

Consider **claim 38 and as applied to claim 36**, Requena as modified by RFC 3262, teaches wherein the user equipment is configured to modify the at least one parameter to be consistent with a local policy(**e.g., based on the response to the request the first party makes sure the parameter is consistent with policy...page 19 lines 13-22**).

7.   Claims **18, 21-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ejzak US Patent Pub. No.: 2004/0095958 A1** in view of **RFC 3262, Reliability of provisional responses in the Session initiation protocol (SIP), hereinafter, 'RFC 3262'.**

Consider **Claim 18**, Ejzak teaches a method, comprising: passing a message from a first party to a second party in a communication system(**e.g., figures 6, 7 and 8 show an offer message 502 and 802 which is described in at least paragraphs 0054, 0059 and 0063**); receiving a response to the message from the second party (**i.e., the answer message 510 and 812 in figures 7 and 8**), the response including at least one parameter in breach of a policy for a communication between the first party and the second party(**i.e., the codec format is not supported according to policy)(as noted in at least paragraphs 0060 and 0067**); passing the response **unmodified** from the second party to the first party(**i.e., the controller decides to send the answer message without allocating a transcoder as noted in at least paragraphs 0060**

and 0067); and determining in a network controller that one or more of said at least one

parameter breaches the policy(**i.e., the codec format is not supported according to policy**)(**as

noted in at least paragraphs 0060 and 0067**), the network controller comprising a call state

control function(**i.e., processing the call between the devices as noted in at least paragraphs

0060 and 0067**).

However, Ejzak does not specifically teach the response message configured as a

provisional response acknowledgement in accordance with a session initiation protocol.

In analogous art, RFC 3262 teaches the response is configured as a provisional response

acknowledgement in accordance with a session initiation protocol (**e.g., see pages 8- 9 which

describe the reliability of provisional responses in SIP and the offer/answer model and

PRACK**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to modify Ejzak to include where the response message configured as a

provisional response acknowledgement in accordance with a session initiation protocol as taught

by RFC 3262. Ejzak uses SIP for controlling multimedia communications between devices. RFC

3262 teaches in order to improve reliability of SIP provisional responses a mechanism can be

provided which includes an ACK (e.g., a PRACK) (e.g., see introduction on page 1). By

combining Ejzak with the teachings of RFC 3262 one of ordinary skill in the art would further

yield predictable results by using the extensions provided in the additional opportunities in the

offer/ answer exchanges.

Consider **Claim 21**, Ejzak teaches an apparatus(**controller 104 of figure 8**), configured

to provide at least the following: forward a message from a first party to a second party in a

communication system(**e.g., forwards offer message 802 from first party 110 to second party 108 as illustrated in figure 8**); pass a response to the message **unmodified** from the second party to the first party(e.**g., as noted the controller 104 decides to send the answer message without allocating a transcoder as noted in at least paragraphs 0060 and 0067**), the response including at least one parameter in breach of a policy for a communication between the first party and the second party(**e.g., unsupported codec noted in paragraph 0067**); and determine in a network controller that one or more of said at least one parameter breaches the policy(**e.g., the controller determines that the codec is unsupported by the PSTN as noted in paragraph 0067**), the network controller comprising a call state control function(**i.e., processing the call between the devices as noted in at least paragraphs 0060 and 0067**)

However, Ejzak does not specifically teach the response message configured as a provisional response acknowledgement in accordance with a session initiation protocol.

In analogous art, RFC 3262 teaches the response is configured as a provisional response acknowledgement in accordance with a session initiation protocol (**e.g., see pages 8- 9 which describe the reliability of provisional responses in SIP and the offer/answer model and PRACK**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ejzak to include where the response message configured as a provisional response acknowledgement in accordance with a session initiation protocol as taught by RFC 3262. Ejzak uses SIP for controlling multimedia communications between devices. RFC 3262 teaches in order to improve reliability of SIP provisional responses a mechanism can be provided which includes an ACK (e.g., a PRACK) (e.g., see introduction on page 1). By

combining Ejzak with the teachings of RFC 3262 one of ordinary skill in the art would further

yield predictable results by using the extensions provided in the additional opportunities in the

offer/ answer exchanges.

Consider **claim 22 and as applied to claim 21**, Ejzak as modified by RFC 3262 teaches

an apparatus 104 configured to detect at least one parameter in breach of the policy in a further

message from the first party(**e.g., the controller detects that the codec is unsupported by the**

PSTN as noted in paragraph 0067).

Consider **claim 23 and as applied to claim 22**, Ejzak as modified by RFC 3262 teaches

an apparatus 104 configured to send to the first party another message containing the policy

allowed payload in response to detection of said at least one parameter in breach of the

policy(**e.g., as noted in figure 8 the controller forwards the allowed codec which is EVRC**

supported by some components and violated the policies of others, which is why the

transcoder is applied by 110 of figure 8 as noted in paragraph 0068).

8.   Claims **19-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ejzak US**

Patent Pub. No.: 2004/0095958 A1 in view of **RFC 3262, Reliability of provisional responses**

in the Session initiation protocol (SIP), hereinafter, 'RFC 3262', and further in view of

Rosenberg US Patent No.: 7,509,425.

Consider **claim 19 and as applied to claim 18**, Ejzak as modified by RFC 3262 teaches

the claimed invention except further comprising: sending a further message from the first party

to the network controller, said determining comprising detecting at least one parameter in breach

of the policy in the further message.

However, Rosenburg teaches sending a further message from the first party to the

network controller, said determining comprising detecting at least one parameter in breach of the policy in the further message(e.g., **When the UAC 1002 receives this response 2520, 2522, 2524 it can either reject or accept the policies proposed...the UAC 2002 may accept the MFO in part, or counteroffer as noted in a least col. 8 lines 38-56**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ejzak as modified by RFC 3262 to include sending a further message from the first party to the network controller, said determining comprising detecting at least one parameter in breach of the policy in the further message for the purpose of establishing and modifying network signaling protocols as taught by Rosenberg

Consider **claim 20 and as applied to claim 19**, Ejzak as modified by RFC 3262 teaches the claimed invention except further comprising: responsive to said detecting, sending to the first party by the network controller another message containing the policy allowed payload.

However, Rosenburg teaches responsive to said detecting, sending to the first party by the network controller another message containing the policy allowed payload (**e.g., proxies receiving an error can attempt to retry or pass the error as noted in at least col. 18 lines 9-16....counter offer in line 50**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ejzak as modified by RFC 3262 to include responsive to said detecting, sending to the first party by the network controller another message containing the policy allowed payload as taught by Rosenberg

9.   Claims **30-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ejzak US Patent Pub. No.: 2004/0095958 A1** in view of **Rosenberg US Patent No.: 7,509,425**

Consider **claim 30**, Ejzak teaches A method, comprising: passing a message from a first

party to a second party in a communication system(**e.g., forwards offer message 802 from first

party 110 to second party 108 as illustrated in figure 8**); receiving a response including at

least one parameter in breach of a policy for a communication between a first party and a second

party(**i.e., the answer message 510 and 812 in figures 7 and 8**); passing the response

unmodified from the second party to the first party(e.**g., as noted the controller 104 decides to

send the answer message without allocating a transcoder as noted in at least paragraphs

0060 and 0067**), a call state control function(**i.e., processing the call between the devices as

noted in at least paragraphs 0060 and 0067**)

However, Ejzak does not specifically teach receiving from the first party a further

message including one or more of the at least one parameter in breach of the policy; the further

message configured as a provisional response acknowledgement in accordance with a session

initiation protocol and detecting in a network controller that the further message includes the one

or more of the at least one parameter breaching the policy.

In analogous art Rosenberg teaches receiving from the first party a further message

including one or more of the at least one parameter in breach of the policy (e.g., **, When the

UAC 1002 receives this response 2520, 2522, 2524 it can either reject or accept the policies

proposed…the UAC 2002 may accept the MFO in part, or counteroffer as noted in a least

col. 8 lines 38-56**); the further message configured as a provisional response acknowledgement

in accordance with a session initiation protocol(**i.e., PRACKs/ACKs as noted in at least col. 11

lines 54-67, col. 13 lines 15-30 and col. 18 lines 44-51**); and detecting in a network controller

that the further message includes the one or more of the at least one parameter breaching the

policy (**i.e., proxies determine based on error response ...col. 18 lines 10-11 and in some case the MIO's and MFO' s may be modified by the proxies...col. 18 lines 30-33 and a listing of MFO are sent col. 18 lines 53-55**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ejzak to include receiving from the first party a further message including one or more of the at least one parameter in breach of the policy; and detecting in a network controller that the further message includes the one or more of the at least one parameter breaching the policy for the purpose of establishing and modifying network signaling protocols as taught by Rosenberg

Consider **Claim 31 and as applied to claim 30**, Ejzak as modified by Rosenburg teaches the claimed invention further comprising sending a further response including a definition of the policy to the first party(**e.g., as noted in figure 8 the controller forwards the allowed codec which is EVRC supported by some components and violated the policies of others, which is why the transcoder is applied by 110 of figure 8 as noted in paragraph 0068**).

Allowable Subject Matter

10.   Claims 1, 7-8 and 32-33 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300. Information

regarding the status of an application may be obtained from the Patent Application Information

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/Charles   Shedrick/
Examiner, Art Unit 2617